UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,223	02/21/2002	James Steven Luke	GB920000107US1	9751

7590   01/03/2006

Brian C Kunzler
8 East Broadway Suite 600
Salt Lake City, UT 84111

EXAMINER
LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/080,223	LUKE, JAMES STEVEN
	Examiner	Art Unit	
	Etienne P LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 October 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11,13 and 14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11,13 and 14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _21 February 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Status:

Claims 1-11, 13 and 14 are pending, claim 12 has been cancelled. Claims 1-11, 13 and

14 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 1-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 1 recites "enabling the application programs to register as publishers and as

subscribers for information," but, since the claim does not set forth any steps involved in the

method/process of registering as publishers and subscribers, it is unclear what method/process

applicant is intending to encompass. A claim is indefinite where it merely recites a use without

any active, positive steps delimiting how this use is actually practiced. Claim 10 includes similar

language is rejected on the same basis.

Claim 10 recites "is adapted to compare information components." Language that

suggests or makes optional but does not require steps to be performed does not limit the scope of

the claim limitation.

Claims 2-9 and 13 are rejected for being dependent from a rejected base claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Pat No 6,226,628 issued to Forbes (hereafter Forbes) in view of US Pat No. 6,493,709 issued

to Aiken (hereafter Aiken) and further in view of Applicant's admitted prior art.[1]

Claims 1 and 14:

Forbes discloses analyzing the contents of the set of files to identify components of the

file contents which have duplicates within different files within the set and deleting duplicate

components from the information repository while retaining at least one copy of each component

[compression by pattern matching, col 6, lines 25-35]

Forbes discloses generating index data *[algorithm records length value and*

displacement or distance value per col 1, lines 30-37, displacement indexes, col 5, lines 43-48,

Fig 7, step 206, col 7, lines 1-5] for the retained copies which reflects the respective logical

positions within the information repository corresponding to the positions of the retained copies

and their deleted duplicates

---

[1] IBM MQSeries Primer, 1 October 1999

Forbes discloses the elements of claim 1 as noted above but fails to disclose generating

index data for remainder components which correspond to the remainder portions of a file after

separation of duplicated components which remainder component index data reflects the logical

positions of the remainder components within the information repository. **Aiken** discloses

generating index data *[Aiken, Figs 2 and 3, Fig 1a, step106, col 5, line 36 –col 6, line 31]*

for remainder components which correspond to the remainder portions of a file after separation

of duplicated components which remainder component index data reflects the logical positions of

the remainder components within the information repository. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify **Forbes** to include

generating index data for remainder components which correspond to the remainder portions of a

file after separation of duplicated components which remainder component index data reflects

the logical positions of the remainder components within the information repository as taught by

Aiken for the purpose of accounting for all data in the file, i.e., matched elements and unmatched

elements. The skilled artisan would have been motivated to modify the invention of **Forbes** per

the above for the purpose of providing a compressed file that includes data which has been

compressed (i.e., matched), and data which has not been compressed, i.e., unmatched [Forbes,

col 1, lines 25-37].

The combination of **Forbes and Aiken** discloses the elements of claim 1 as noted above

and furthermore, **Forbes** discloses storing the generated index data *[col 5, lines 1-12]*

The combination of Forbes and Aiken discloses the elements of claim 1 as noted above

but does not disclose communicating with application programs for analyzing contents, deleting

duplicates, and generating indexes, enabling the application programs to register as publishers

and as subscribers for information, comparing information components created by a first

application program with other application programs' subscriptions and notifying identified

subscriber applications when a created information component matches an application program's

subscriptions. Applicant's admitted prior art discloses communicating with application

programs for analyzing contents, deleting duplicates, and generating indexes, enabling the

application programs to register as publishers and as subscribers for information, comparing

information components created by a first application program with other application programs'

subscriptions and notifying identified subscriber applications when a created information

component matches an application program's subscriptions [Specification paragraph 43]. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the combination of Forbes and Aiken to include communicating with application

programs for analyzing contents, deleting duplicates, and generating indexes, enabling the

application programs to register as publishers and as subscribers for information, comparing

information components created by a first application program with other application programs'

subscriptions and notifying identified subscriber applications when a created information

component matches an application program's subscriptions as taught by Applicant's admitted

prior art for the purpose of more quickly and easily creating integration by means of XML.

Claim 2:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the

elements of claim 1 as noted above and furthermore, Forbes discloses wherein the analysis of file

contents comprises the steps of: separating file contents into a set of information components

comprising sub-sections of a file's contents, in accordance with predefined separation criteria

[particular string length, col 5, lines 32-43] and analyzing the contents of said information

components to identify duplicates [col 6, lines 30-35]

Claim 3:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the

elements of claims 1 and 2 as noted above and furthermore, Forbes discloses wherein the step of

separating a file's contents into information components is initiated in response to a step of

saving the file [datafile 20 in resource 20, Fig 1] and the steps of analyzing the contents to

identify duplicates and then deleting duplicates are performed by a background process [col 4,

lines 20-40] independently of user-controlled operations

Claim 4:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the

elements of claims 1 and 2 as noted above and furthermore, Forbes discloses wherein said step of

separating file contents comprises identifying a file type [data files 20, Fig 1], selecting

predefined separation criteria [col 7, lines 15-20] for the identified file type, and separating file

contents in accordance with the selected separation criteria

Claim 5:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the

elements of claims 1 and 2 as noted above and furthermore, Forbes discloses the step of

identifying information components corresponding to sub-sections of an identified component of

a file's contents, which sub-sections have duplicates within different files within the set [col 3,

lines 30-40] and performing in relation to said sub-section components said steps of deleting

duplicates [col 6, lines 33-36] and generating and storing index data for retained single copies of

duplicated sub-section components and generating and storing separate index data for remainder sub-section components

Claim 6:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the elements of claims 1 and 2 as noted above and furthermore, Forbes discloses wherein said steps of deleting duplicates and generating separate index data is performed subject to a defined minimum component size [col 5, lines 62-65]

Claim 7:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the elements of claims 1 and 2 as noted above and furthermore, Forbes discloses wherein the generated index data comprises: a set of file descriptions which each include an ordered list of identifiers of components corresponding to the contents of the respective file and information defining a path within a directory structure corresponding to the logical location of the file within the directory structure; and a set of unique component identifiers to be stored in association with respective components [lookup table has an entry for each possible data element value, col 5, lines 15-18]

Claim 9:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the elements of claims 1 and 2 as noted above and furthermore, Forbes discloses wherein the index data additionally comprises an indication of the locations within the information repository of

members of said set of unique component identifiers [lookup table has an entry for each possible
data element value, col 5, lines 15-18]

Claim 10:

Forbes discloses analyzing the contents of the set of files to identify components of the
file contents which have duplicates within different files within the set and deleting duplicate
components from the information repository while retaining at least one copy of each component
[compression by pattern matching, col 6, lines 25-35]

Forbes discloses generating index data *[algorithm records length value and
displacement or distance value per col 1, lines 30-37, displacement indexes, col 5, lines 43-48,
Fig 7, step 206, col 7, lines 1-5]* for the retained copies which reflects the respective logical
positions within the information repository corresponding to the positions of the retained copies
and their deleted duplicates

Forbes discloses the elements of claim 1 as noted above but fails to disclose generating
index data for remainder components which correspond to the remainder portions of a file after
separation of duplicated components which remainder component index data reflects the logical
positions of the remainder components within the information repository. **Aiken** discloses
generating index data *[Aiken, Figs 2 and 3, Fig 1a, step106, col 5, line 36 –col 6, line 31]*
for remainder components which correspond to the remainder portions of a file after separation
of duplicated components which remainder component index data reflects the logical positions of
the remainder components within the information repository. It would have been obvious to one
of ordinary skill in the art at the time the invention was made to modify **Forbes** to include

generating index data for remainder components which correspond to the remainder portions of a

file after separation of duplicated components which remainder component index data reflects

the logical positions of the remainder components within the information repository as taught by

Aiken for the purpose of accounting for all data in the file, i.e., matched elements and unmatched

elements. The skilled artisan would have been motivated to modify the invention of **Forbes** per

the above for the purpose of providing a compressed file that includes data which has been

compressed (i.e., matched), and data which has not been compressed, i.e., unmatched [Forbes,

col 1, lines 25-37].

The combination of **Forbes and Aiken** discloses the elements of claim 1 as noted above

and furthermore, **Forbes** discloses storing the generated index data *[col 5, lines 1-12]*

The combination of Forbes and Aiken discloses the elements of claim 10 as noted above

but is silent regarding a publish/subscribe engine connected for communication between

application programs and said controller components for analyzing contents, deleting duplicates

and generating indexes, wherein the publish/subscribe engine enables the application programs

to register as publishers and as subscribers for information and is adapted to compare

information components created by a first application program with other application program's

subscriptions, and to notify identified subscriber applications when a created information

component matches an application program's subscriptions. Applicant's admitted prior art

discloses a publish/subscribe engine connected for communication between application programs

and said controller components for analyzing contents, deleting duplicates and generating

indexes, wherein the publish/subscribe engine enables the application programs to register as

publishers and as subscribers for information and is adapted to compare information components

created by a first application program with other application program's subscriptions, and to

notify identified subscriber applications when a created information component matches an

application program's subscriptions. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the combination of Forbes and Aiken to include

a publish/subscribe engine connected for communication between application programs and said

controller components for analyzing contents, deleting duplicates and generating indexes,

wherein the publish/subscribe engine enables the application programs to register as publishers

and as subscribers for information and is adapted to compare information components created by

a first application program with other application program's subscriptions, and to notify

identified subscriber applications when a created information component matches an application

program's subscriptions as taught by Applicant's admitted prior art for the purpose of more

quickly and easily creating integration by means of XML.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of

Forbes, Aiken and Applicant's admitted prior art in view of US Pat No. 6,535,873 issued to

Fagan et al (hereafter Fagan).

Claim 8:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the

elements of claims 1 and 7 as noted above but does not disclose wherein the index data is

implemented using markup tags, with each unique component identifier comprising a unique tag

pair identifying and delimiting the respective component within the information repository and

said ordered list of component identifiers within each file description comprising a list of markup

tags. Fagan discloses wherein the index data is implemented using markup tags, with each

unique component identifier comprising a unique tag pair identifying and delimiting the

respective component within the information repository and said ordered list of component

identifiers within each file description comprising a list of markup tags [Fig 4, col 5, line 45 – col

6, line 5]. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the combination of Forbes and Aiken and Applicant's admitted prior art to

include wherein the index data is implemented using markup tags, with each unique component

identifier comprising a unique tag pair identifying and delimiting the respective component

within the information repository and said ordered list of component identifiers within each file

description comprising a list of markup tags as taught by Fagan for the purpose of providing a

means for the domain expert to choose a concept related to a tagged sentence. The skilled artisan

would have been motivated to improve the invention of Forbes, Aiken and Applicant's admitted

prior art per the above such that queries can be matched to sentences in a database which is being

searched [col 5, line 45 – col 6, line 5].

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Forbes, Aiken and Applicant's admitted prior art and further in view of US Pat No. 5,414,850

issued to Whiting (hereafter Whiting).

Claim 11:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the

elements of claim 10 as noted above but fails to disclose wherein the controller component for

generating index data is adapted to generate a set of file descriptions which each include an

ordered list of identifiers of information components corresponding to the contents of the

respective file and information defining a path within a directory structure corresponding to the

logical location of the file within the directory structure. Whiting as admitted prior art discloses

wherein the controller component for generating index data is adapted to generate a set of file

descriptions which each include an ordered list of identifiers of information components

corresponding to the contents of the respective file and information defining a path within a

directory structure corresponding to the logical location of the file within the directory structure

[Whiting prior art, col 1, lines 15-25]. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the combination of Forbes, Aiken and

Applicant's admitted prior art to include wherein the controller component for generating index

data is adapted to generate a set of file descriptions which each include an ordered list of

identifiers of information components corresponding to the contents of the respective file and

information defining a path within a directory structure corresponding to the logical location of

the file within the directory structure as taught by Whiting for the purpose of enabling users to

copy, delete, move modify and search for files located on a disk drive [Whiting, col 1, lines 15-

30]

Furthermore, the combination of Forbes, Aiken, Applicant's admitted prior art and

Whiting discloses a set of unique component identifiers [Aiken, Figs 2 and 3, Fig 1a, step106,

col 5, line 36 –col 6, line 31] to be stored in association with respective components; wherein the

apparatus further comprises a component for analyzing the index data [Forbes, algorithm records

length value and displacement or distance value per col 1, lines 30-37, displacement indexes, col

5, lines 43-48, Fig 7, step 206, col 7, lines 1-5] for all components of the set of files to identify

and generate a representation of a directory structure [Forbes, Fig 1, 18].

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Forbes, Aiken and Applicant's admitted prior art and further in view of US Pat No 5,812,999

issued to Tateno (hereafter Tateno).

Claim 13:

The combination of Forbes, Aiken and Applicant's admitted prior art discloses the

elements of claim 10 as noted above but fails to disclose one or more search agents for

performing search and retrieval operations from the information repository in response to

requests from one or more application programs. Tateno discloses one or more search agents for

performing search and retrieval operations from the information repository in response to

requests from one or more application programs [col 7, lines 24-35]. It would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify the combination

of Forbes, Aiken and Applicant's admitted prior art to include one or more search agents for

performing search and retrieval operations from the information repository in response to

requests from one or more application programs as taught by Tateno for the purpose of locating

and retrieving a compressed block of data [col 7, lines 25-35].

Response to Arguments

Applicant's arguments filed 10/20/2005 have been fully considered but they are not

persuasive.

Applicant Argues:

Applicant states in the second paragraph of page 10 "Claims 1 and 14 as amended

include similar limitations without reference publish/subscribe engine. Applicants assert that the

publish/subscribe engine of amended claim 10 and the limitations associated with the

publish/subscribe engine of amended claims 1 and 14 are not admitted prior art."

Examiner Responds:

Examiner is not persuaded. Paragraph 49 of the specification of instant application states

"A suitable publish/subscribe engine is already commercially available in the form of IBM

Corporation's MQSeries Integrator products." Applicant does not disclose when MQSeries

became commercially available. Jenny Chow in the MQSeries User Group Meeting held June

8th, 1999 explained the basic concepts of IBM MQSeries Publish/Subscribe which was available

this year (i.e., 1999). Furthermore, Applicant is referred to IBM MQSeries Primer 1 dated

October 1999. Examiner maintains that IBM MQSeries Publish/Subscribe does qualify as

admitted prior art because MQSeries Integrator was commercially available more than one year

before the filing of instant application and because MQSeries was described in a printed

publication more than one year prior to the filing of instant application.

Applicant Argues:

Applicant lists in the first paragraph of page 11 certain limitations of claim 14.

Examiner Responds:

Examiner is not persuaded. Applicant is referred to above Office Action.

Applicant Argues:

Applicant states in the second paragraph of page 11 "In contrast, neither Forbes nor

Aiken teaches analyzing the contents of the set of files in response to a saving of the file,

identifying duplicates by a background process, or deleting duplicates by a background process.

Instead, Forbes teaches saving files and in a computer system. Forbes, Fig 1, ref, col. 4 lines 20-

40. Because neither Forbes nor Aiken teach each element of the claimed invention, Applicants

assert that claim 14 is allowable.

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., analyzing the contents of the set of files in response to a saving of the file) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding the claim 14 limitation "identify[ing] duplicates by a background process"

applicant is referred to above Office Action which maps above limitation to Applicant's admitted

prior art and to Applicant's statement in paragraph 2 of page 10, i.e., Claims 1 and 14 as

amended include similar limitations without reference to the publish/subscribe engine.

Regarding the claim 14 limitation "deleting duplicates by a background process,

applicant is referred to above Office Action which maps above limitation to Applicant's admitted

prior art and to Applicant's statement in paragraph 2 of page 10, i.e., Claims 1 and 14 as

amended include similar limitations without reference to the publish/subscribe engine.

Applicant Argues:

Applicant states in the third paragraph of page 11 "In particular, there is no suggestion to

combine indexing data as disclosed by Aiken with the teaching of Forbes. Aiken, col. 5, line 36-

col. 6, line 31. Cross-file compression has a very different application and scope from a

shredding search. Without some teaching or suggestion to combine, a skilled artisan would not

be motivated to combine the teachings of Forbes and Aiken."

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., cross-file compression has a very different application and scope from a shredding

search) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, for the sake of completeness, examiner reproduces below the excerpt from the

above Office Action dealing with the combination of the Forbes and Aiken with reference to the

actual claim limitation (emphasis added).

Forbes discloses the elements of claim 1 as noted above but fails to disclose generating

index data for remainder components which correspond to the remainder portions of a file after

separation of duplicated components which remainder component index data reflects the logical

positions of the remainder components within the information repository. Aiken discloses

generating index data [Aiken, Figs 2 and 3, Fig 1a, step106, col 5, line 36 –col 6, line 31] for

remainder components which correspond to the remainder portions of a file after separation of

duplicated components which remainder component index data reflects the logical positions of

the remainder components within the information repository. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Forbes to include

generating index data for remainder components which correspond to the remainder portions of a

file after separation of duplicated components which remainder component index data reflects

the logical positions of the remainder components within the information repository as taught by

Aiken for the purpose of accounting for all data in the file, i.e., matched elements and unmatched

elements. The skilled artisan would have been motivated to modify the invention of Forbes per

the above for the purpose of providing a compressed file that includes data which has been

compressed (i.e., matched), and data which has not been compressed, i.e., unmatched [Forbes,

col 1, lines 25-37].

Examiner maintains that the reason for combination is clearly pointed as being the

provision of a compressed file that includes data which has been compressed (i.e. matched) and

data which has not been compressed i.e., unmatched per Forbes' disclosure in column 1, lines

25-37.

Applicant Argues:

Applicant states in the third paragraph of page 11 "In addition, Aiken teaches away from

the compression function of Forbes by suggesting that non-query files without similarity to the

query file be deleted, while Forbes teaches that instances of non-similar data are preserved.

Aiken abstract, Forbes, col 7, lines 1-9."

Examiner Responds:

Examiner is not persuaded.

Forbes discloses the following in column 7, lines 1-9:

Step 206 comprises a compressed output string that reflects the results of the searches conducted in steps
202 and 204, including the displacement and length of the largest previous string, if one was found.

33   .

As indicated by decision block 208, steps 202, 204, and 206 are repeated until there are no more data
elements for processing. After each iteration, a step 209 is performed of incrementing n by the length of the
most recently found matching string.

Aiken discloses the following in the abstract:

A method and apparatus are disclosed for comparing an input or query file to a set of files to
detect similarities between the query file and the set of files, and digitally shredding files that
match, to some degree, the query file and doing so from within the comparison feature. Using a
comparison program, the query file is compared with each non-query file in a data processing
system, ranging from a stand-alone computer to an enterprise computing network. A list of non-
query files having some degree of similarity with the query file is compiled and presented to the
user via a user interface within the comparison program. Certain or all non-query files can then
be deleted by marking the names of those non-query files in the list. The comparison program
can be of the type using either clustering or coalescing, or both, known hashing techniques, or
other comparison algorithms.

Examiner is confused. The above teaching by Forbes is directed to a method of searching

and has nothing to do with saving or deleting files. The reason why Applicant asserts that Aiken

teaches away from Forbes is not clear. Furthermore, Aiken is relied upon for generating index

data which is clearly shown in the following except from the Office Action. The reason for

combining the teachings of Forbes and Aiken is also given in the following except from the

Office Action.

Forbes discloses the elements of claim 1 as noted above but fails to disclose generating

index data for remainder components which correspond to the remainder portions of a file after

separation of duplicated components which remainder component index data reflects the logical

positions of the remainder components within the information repository. Aiken discloses

generating index data *[Aiken, Figs 2 and 3, Fig 1a, step106, col 5, line 36 –col 6, line 31]*

for remainder components which correspond to the remainder portions of a file after separation

of duplicated components which remainder component index data reflects the logical positions of

the remainder components within the information repository. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Forbes to include

generating index data for remainder components which correspond to the remainder portions of a

file after separation of duplicated components which remainder component index data reflects

the logical positions of the remainder components within the information repository as taught by

Aiken for the purpose of accounting for all data in the file, i.e., matched elements and unmatched

elements. The skilled artisan would have been motivated to modify the invention of Forbes per

the above for the purpose of providing a compressed file that includes data which has been

compressed (i.e., matched), and data which has not been compressed, i.e., unmatched [Forbes,

col 1, lines 25-37].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

(1) Advanced Messaging Applications with MSMQ and MQSeries by Rhys Lewis 1st Edition

published December 17, 1999 is a handy reference to the MSMQ and MQSeries APIs.

(2) June 8, 1999 MQSeries User Group Meeting disclosed the basic concepts of IBM MQSeries

Publish/Subscribe.
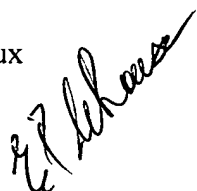
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

12/27/2005